

**TOWN OF DAVIE
REGULAR MEETING
SEPTEMBER 3, 2003**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:03 p.m. and was followed by the Pledge of Allegiance.

2. ROLL CALL

Present were Mayor Truex, Vice-Mayor Starkey and Councilmembers Crowley, Hubert and Paul. Also present were Town Administrator Willi, Town Attorney Kiar and Town Clerk Muniz recording the meeting.

3. OPEN PUBLIC MEETING

Mayor Truex advised the public of the rules for the Open Public Meeting.

Jose and Maria Carrero, pastors for a local church, stated that they had recently purchased property located at NW 75 Avenue and 37 Street. Mr. Carrero stated that they would like to be able to move their church to another temporary location within the same plaza to accommodate their large congregation during construction. Mayor Truex asked if they currently paid taxes in their present location. Mr. Carrero indicated in the affirmative. Vice-Mayor Starkey advised that Council had received a letter from the Carreros. Mr. Carrero indicated that parking would be in the rear of the plaza and would not be an issue. Councilmember Paul stated she would prefer staff's recommendation prior to making any decision and asked that it be put on for discussion at the next meeting. Mayor Truex indicated that he felt staff's position was that it was not permitted by Code and would require a Code Amendment. He also asked that it be discussed at this meeting.

Walter Swain, pastor of Las Americas Baptist Church, stated that his church also was located in the same facility, although not as large as the Carreros'. He indicated that his congregation was to swap locations with Carreros' in the plaza.

Councilmember Hubert asked Mr. Swain what the hours of operation were for his church. Mr. Swain indicated that they were Sunday morning as well as Mr. Carreros. He indicated that they did not have any evening use for the facility during the week.

Mayor Truex indicated that if they could reach New Business portion of this meeting by 11 p.m., the issue would be discussed, otherwise, it would be heard at the next meeting.

Norm Blanco spoke regarding Mayor Truex's comments concerning his religious beliefs not impacting his duties as Mayor. He indicated that Mayor Truex refused to attend certain meetings based on his religious beliefs specifically relating to abortion and gay rights. Mr. Blanco discussed Vice-Mayor Starkey's actions against Wayne Arnold during his unsuccessful election campaign. He submitted a copy of an affidavit of final judgment filed against Bob Waitkus.

Richard Weiner, 10244 SW 18 Street, spoke regarding the upcoming budget issue and upcoming elections. He spoke of what he described as dirty tactics used by Vice-Mayor Starkey and wanted to inform the public of Vice-Mayor Starkey's qualifications as well as lawsuits filed against her.

Mary Gregg spoke of her past regarding her choice to give birth to a child out of wedlock and was thankful to live in a country that one day may protect the unborn.

Mike Lamborn indicated that although he had never been involved in Town activities in the past, he offered his services in any capacity.

Mitch Toppal announced his campaign slogan of "putting the people first".

Mike Holifield, 1874 SW 81 Lane, stated that he was impressed with the ethics and morals of Council and advised Council to stand their ground. He also offered his services to the Town.

Robert Sanguigni, 14780 Highland Streams Court, indicated that he had spoken to Councilmembers regarding the erection of a wall behind his property in Shenandoah. He stated that

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Council and staff had indicated it was a homeowners' association issue; however, the homeowners' association denied his request. Councilmember Paul stated that she thought the community board would allow a 4-foot gate, but Mr. Sanguigni had felt that was not large enough. It was her impression that if a resident already had a gate, they would allow a gate. Mr. Sanguigni stated that he had a 14-foot access and that a 4-foot gate would not be feasible.

Mayor Truex indicated that he felt staff's research indicated that this was under the homeowners' association jurisdiction. Councilmember Paul stated that she had spoken with the president of the homeowners' association and was under the impression that if he already had a gate, he would still have a gate. Mayor Truex stated that he would be willing to speak with the association. Councilmember Paul indicated that she would speak with the president again, but that they had the right to overrule the Town's decision.

Doug Notman, 3051 Old Orchard Road, expressed his appreciation for the changes that had been made in the Town with the addition of new Councilmembers. He stated that he felt Mayor Truex was a man of character, respected his ethics, and encouraged him for being a champion to the people of Davie. Mr. Notman urged Mayor Truex to continue what he was doing with the Town. He spoke highly of Vice-Mayor Starkey and stated that she has always placed the needs of the children of the Town first and she should continue to do that.

Mayor Truex closed the open public meeting.

Councilmember Paul made a motion, seconded by Vice-Mayor Starkey, to table item 6.20 to September 17, 2003. In a voice vote, all voted in favor. (Motion carried 5-0)

Councilmember Paul made a motion, seconded by Vice-Mayor Starkey, to table item 8.9 to September 17, 2003. In a voice vote, all voted in favor. (Motion carried 5-0)

Councilmember Paul made a motion, seconded by Vice-Mayor Starkey, to table items 8.11, 8.12, 8.13 and 8.14 to September 17, 2003. In a voice vote, all voted in favor. (Motion carried 5-0)

Councilmember Paul made a motion, seconded by Vice-Mayor Starkey, to add items 11.5, 11.6, 11.7, 11.8 and 11.9 to the agenda. In a voice vote, all voted in favor. (Motion carried 5-0)

4. PRESENTATION

4.1. Legislative Update - David Sigerson
No presentation was made.

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5. PUBLIC HEARING - BUDGET

Ordinances - First Reading (Second and Final Reading to be held September 17, 2003)

5.1. MILLAGE RATE - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, ESTABLISHING THE MILLAGE RATE TO BE LEVIED FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2003, AND ENDING SEPTEMBER 31, 2004.

Town Clerk Muniz read the ordinance by title. Mayor Truex announced that there would be a public hearing held on September 17, 2003.

Mayor Truex opened the public hearing portion of the meeting.

Cindy Osborne, 4420 SW 64 Avenue, spoke in opposition to the Fire Rescue Assessment and felt that it was a colossal imposition on the taxpayers. She indicated that commercial businesses received an increase that caused a 50% loss of business in the Town. Ms. Osborne stated that this increase would be a great burden to the business community. Assistant Town Administrator Ken Cohen refuted Ms. Osborne's assertion that the number of businesses had decreased and stated that businesses had dramatically increased.

Mayor Truex closed the public hearing.

Vice-Mayor Starkey made a motion, seconded by Councilmember Crowley, to approve. In a roll call vote, the vote was as follows: Mayor Truex – yes; Vice-Mayor Starkey – yes; Councilmember Crowley – yes; Councilmember Hubert – yes; Councilmember Paul – yes. (Motion carried 5-0)

5.2. BUDGET - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, ADOPTING THE BUDGET FOR THE TOWN OF DAVIE FOR THE FISCAL YEAR 2004.

Town Clerk Muniz read the ordinance by title. Mayor Truex announced there would be a public hearing held on September 17, 2003.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Budget and Finance Director William Underwood presented three options which Council requested at the Budget Workshop in an effort to reduce the \$600,000 deficit: an across the board reduction of 1.75% of all departments' operating budgets; an increase in the fire fee to either \$58 or \$62; and cutting \$600,000 from four departments.

Mayor Truex indicated that he had spoken with Congressman Shaw and was advised that the Town had been approved for a COPs grant which would allow for the hiring of five additional officers or the equivalent of \$375,000. He provided a fax from Congressman Shaw regarding the grant.

Councilmember Paul stated that of the three options, she would prefer the 1.75% across the board reduction. Vice-Mayor Starkey indicated that she felt the \$62 fee was a good option, but felt that because of the approval of the grant, the 1.75% across the board reduction was the best option. Councilmember Crowley commended the department directors on the 1.75% reduction and stated that he was in favor of that option to bring the assessment down as low as possible.

Councilmember Hubert questioned who would fund the grant after the 2004 funding cycle was complete. Mr. Cohen indicated that the grant was a two-year grant and that the Town would fully fund after that period.

Councilmember Paul made a motion, seconded by Councilmember Crowley, to approve the budget at 1.75% reduction across the board with the understanding that there would be no reduction in jobs, that service levels not be affected, and that administration would provide quarterly reports to Council. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Starkey - yes; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Paul - yes. (Motion carried 5-0)

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Resolutions

- 5.3. **VOTER APPROVED DEBT SERVICE - A RESOLUTION OF THE TOWN OF**
R-2003-213 **DAVIE, FLORIDA, ESTABLISHING THE TENTATIVE MILLAGE RATE TO BE**
LEVIED FOR VOTER APPROVED DEBT SERVICE FOR THE FISCAL YEAR
BEGINNING OCTOBER 1, 2003, AND ENDING SEPTEMBER 31, 2004.

Town Clerk Muniz read the resolution by title.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Councilmember Paul made a motion, seconded by Vice-Mayor Starkey, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Starkey - yes; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Paul - yes. (Motion carried 5-0)

- 5.4. **FIRE RESCUE SERVICES - A RESOLUTION OF THE TOWN OF DAVIE,**
R-2003-214 **FLORIDA, RELATING TO THE PROVISION OF FIRE SERVICES, FACILITIES**
AND PROGRAMS IN THE TOWN OF DAVIE, FLORIDA; REIMPOSING FIRE
ASSESSMENTS AGAINST ASSESSED PROPERTY LOCATED WITHIN THE
TOWN OF DAVIE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2003;
APPROVING THE ASSESSMENT ROLL; AND PROVIDING AN EFFECTIVE
DATE.

Town Clerk Muniz read the resolution by title.

Mayor Truex opened the public hearing portion of the meeting.

Joe Fadden, representing Everglades Lake Mobile Home Park, thanked Councilmember Hubert for meeting with the residents of his community. He also thanked Mayor Truex for taking the time to speak with him regarding this issue. Mr. Fadden asked Council to give consideration to low income residents before imposing increased fees. He indicated that the owner of the park would be affected and the increase would be passed on to the residents in his community.

Cindy Osbourne, 4420 SW 64 Avenue, felt that homeowners as those mentioned by Mr. Fadden should be given a break. She felt that a .25 milage increase instead of the fire fee would be a savings to the taxpayers.

Jon Voight, attorney representing property owner Charles Youngman, lodged an objection to this increase.

Mayor Truex closed the public hearing.

Councilmember Crowley felt that some businesses were being hit hard and that this item needed to be addressed next year.

Mayor Truex indicated that it was discussed at the workshop that this would be reviewed at the Goal Setting Workshop. He asked Mr. Willi to give a breakdown as to how the different residents would be affected. Mr. Willi indicated that staff would provide a number of scenarios in order to see the true impact. He stated that the amount of increase to make up the revenue that the Town received at the \$58 level would far exceed a 1.75% milage increase.

Councilmember Paul stated that she had received a number of calls concerning errors made in calculating square footage. She stated that she had spoken to Fire Chief Don DiPetrillo, and he had advised that he would make the appropriate corrections. Chief DiPetrillo indicated there were errors made and that corrections would be made. He stated that there was a difference between how the Town calculated and how the Property Appraiser calculated.

Councilmember Hubert asked if there was any way that the retirement/fixed income residents could be exempt. Mr. Cohen stated that the Town did not have a plan that would allow certain residents to be exempt.

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Vice-Mayor Starkey indicated that the methodology being used was court-challenged and no one class could be exempt. Chief DiPetrillo stated that according to law, there needed to be a valid connection between how the service was provided and how it was assessed. He stated that regarding exempting residents, the Town had exempted non-profits in the past which has been upheld at the Supreme Court level.

Councilmember Crowley asked for clarification of the rate. Mayor Truex stated that it would be set at \$58.00.

Councilmember Crowley made a motion, seconded by Councilmember Hubert, to approve with the rate set at \$58.00. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Starkey - yes; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Paul - yes. (Motion carried 5-0)

6. APPROVAL OF CONSENT AGENDA

Minutes

6.1. July 2, 2003 - Regular Meeting

Proclamation

6.2. National Alcohol and Drug Addiction Recovery Month (September)

Resolutions

- 6.3. **PLAT REVISION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A DELEGATION REQUEST TO CHANGE THE RESTRICTIVE NOTE ON THE SUBDIVISION PLAT KNOWN AS THE PRIMA PROFESSIONAL CAMPUS PLAT; AND PROVIDING AN EFFECTIVE DATE. (DG 3-3-03, Village Parc Townhomes, 7901 Davie Road Extension) (tabled from August 20, 2003)
- R-2003-215 6.4. **APPROPRIATIONS REVISION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING A REVISION TO THE APPROPRIATIONS FOR THE FISCAL YEAR 2003.
- R-2003-216 6.5. **BUDGET AMENDMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE ADOPTED BUDGET FOR THE TOWN OF DAVIE FOR FISCAL YEAR 2003.
- R-2003-217 6.6. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN FOREST RIDGE ARBORWOOD HOMEOWNERS ASSOCIATION AND THE TOWN OF DAVIE POLICE DEPARTMENT FOR TRAFFIC CONTROL.
- R-2003-218 6.7. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN FOREST RIDGE CHAPEL HILL HOMEOWNERS ASSOCIATION AND THE TOWN OF DAVIE POLICE DEPARTMENT FOR TRAFFIC CONTROL.

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- 6.8. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2003-219 AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN
FOREST RIDGE LAKE PARK HOMEOWNERS ASSOCIATION, AND THE TOWN
OF DAVIE POLICE DEPARTMENT FOR TRAFFIC CONTROL.
- 6.9. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2003-220 AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN
FOREST RIDGE NORTH ORCHARD HOMEOWNERS ASSOCIATION AND THE
TOWN OF DAVIE POLICE DEPARTMENT FOR TRAFFIC CONTROL.
- 6.10. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2003-221 AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN
FOREST RIDGE OAK GROVE HOMEOWNERS ASSOCIATION AND THE TOWN
OF DAVIE POLICE DEPARTMENT FOR TRAFFIC CONTROL.
- 6.11. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2003-222 AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN
FOREST RIDGE OAK PARK HOMEOWNERS ASSOCIATION AND THE TOWN OF
DAVIE POLICE DEPARTMENT FOR TRAFFIC CONTROL.
- 6.12. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2003-223 AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN
FOREST RIDGE THE HOLLOW HOMEOWNERS ASSOCIATION AND THE TOWN
OF DAVIE POLICE DEPARTMENT FOR TRAFFIC CONTROL.
- 6.13. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2003-224 AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN
VILLAS OF ARISTA PARK HOMEOWNERS ASSOCIATION, INC. AND THE
TOWN OF DAVIE POLICE DEPARTMENT FOR TRAFFIC CONTROL.
- 6.14. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2003-225 AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN
ROLLING HILLS PLANTATION HOMEOWNERS ASSOCIATION, INC. AND THE
TOWN OF DAVIE POLICE DEPARTMENT FOR TRAFFIC CONTROL.
- 6.15. **GRANT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2003-226 AUTHORIZING THE SUBMITTAL OF AN APPLICATION FOR FUNDS UNDER
THE U.S. DEPARTMENT OF JUSTICE LOCAL LAW ENFORCEMENT BLOCK
GRANTS PROGRAM FOR \$52,631, AUTHORIZING THE ACCEPTANCE OF SAID
FUNDS, ALLOCATING THE REQUIRED MATCH FROM THE LAW
ENFORCEMENT TRUST FUND, AND AUTHORIZING THE APPROPRIATE TOWN
OFFICIALS AND SAID STAFF TO IMPLEMENT SAID GRANT PROGRAM. (\$5,848
local match)

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- 6.16. **GRANT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2003-227 AUTHORIZING THE APPLICATION FOR A GRANT FROM THE FLORIDA RECREATION DEVELOPMENT ASSISTANCE PROGRAM (FRDAP) FOR THE DEVELOPMENT OF A WATER PLAY AREA AT DAVIE PINE ISLAND PARK AND UPON GRANT AWARD AUTHORIZING GRANT ACCEPTANCE AND EXECUTION. (\$450,000; reimbursement of \$200,000)
- 6.17. **JOB CLASSIFICATION** - A RESOLUTION OF THE TOWN OF DAVIE,
R-2003-228 FLORIDA, APPROVING JOB CLASSIFICATION TITLE, JOB CLASSIFICATION SPECIFICATIONS, AND SALARY RANGE FOR THE CRIME SCENE TECHNICIAN JOB CLASSIFICATIONS AND PROVIDING AN EFFECTIVE DATE.
- 6.18. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2003-229 AUTHORIZING THE MAYOR AND THE TOWN ADMINISTRATOR TO ENTER INTO AN AGREEMENT BETWEEN THE TOWN OF DAVIE, BROWARD COUNTY, AND SOUTHERN HOMES OF DAVIE, II, LLC FOR THE CONSTRUCTION, FUNDING AND SECURITY OF CERTAIN OFF-SITE IMPROVEMENTS RELATING TO THE FLAMINGO PLAT; TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURES TO SAID AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE. (DA 8-1-03, Flamingo Plat, Pulice Land Surveyors, Inc./Southern Homes of Davie II, LLC, 12901 Orange Drive)
- 6.19. **EASEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2003-230 AUTHORIZING THE MAYOR AND TOWN ADMINISTRATOR TO ACCEPT A GRANT OF EASEMENT FOR THE PELICAN COAST PLAT; TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURES AND THE TOWN SEAL TO SAID EASEMENT; AND PROVIDING FOR AN EFFECTIVE DATE. (405 SW 148 Avenue)

Site Plans

- 6.20. SP 10-7-02, Warren Henry/Regency Square, 4801-4991 SW 148 Avenue (PUD) (tabled from August 20, 2003) *Site Plan Committee recommended approval with the conditions that the applicant send a letter to the president of the homeowner's association [Chelsea Homeowners' Association] stating the date when this item was to be reviewed by the Town Council; and that the lighting levels on the east side of the buildings be at the lowest possible levels that the Police Department would allow after 9:00 p.m.*

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- 6.21. SP 2-6-03, Village Parc Townhomes, 7901 Davie Road Extension (B-2) (tabled from August 20, 2003) *Site Plan Committee recommended approval based on these remaining items from the planning report: 1) that the pedestrian crossways at the community facilities be concrete pavers; 2) that the park area by the cabana would be shown with the benches and picnic tables; 3) that the applicant would correct LS-1 and ST-1 to match the site plan; 4) that the relocation of existing trees be discussed with the Town's Urban Forester Mike Orfanedes for his opinion on whether they would be moved to good locations; 5) that items 6, 7, 9 and 10 remain to be left to the direction of Mr. Orfanedes; 6) that the pool house needs corrections and needs a larger plan showing the bathrooms; take out the planters and have a five-foot wall with plantings on the inside at the pool deck area as well as landscaping on the outside of the wall; 7) label the roof material on the plans; 8) that the parking in front of the units should be labeled 18-foot wide driveways thereby eliminating the compact indication in the spaces in front of the units; make an 18-foot paved area and increase the green area between those driveways; and then look into whether or not a tree could be placed in the larger green area; 9) put in the vertical banding on the unit's rear elevations which would be at the unit separations; 10) provide a photometric plan; make certain that SP-2 and DO-2 match; show the lighting poles and their locations; if base protection was needed because no protective curbing was by the light poles, a poured concrete base may be needed to which the light pole would be mounted; 11) postal delivery was recommended to be located at the cabana area in one central pavilion with "pull off" areas off the main drive, if the Post Office approves*
- 6.22. SP 4-6-03, Orange Park, 7921 SW 45 Street (B-2) (tabled from August 20, 2003) *Site Plan Committee recommended approval based on the planning report; that the circulation plan shown on the architectural and engineering both match; that a two-way drive be provided around the parking area; that the existing fence be fixed or removed if it belongs to the applicant; and if keeping any portion of the existing house, it should be shown on the site plan and floor plan*
- 6.23. SP 4-5-03, Glen's Automotive Center, 2601 Reese Road (M-3) *Site Plan Committee recommended approval based on the planning report and that canopies be added over the entry doors at the rear of the building to span from roll-up-door to roll-up-door; and to correct the drawing on the plans for the first parking space off the entry driveway*

Temporary Use Permit

- 6.24. TU 7-6-03, St. Bonaventure Church, 1301 SW 136 Avenue

Earlier in the meeting, Councilmember Paul requested that items 6.3, 6.21 and 6.23 be removed from the Consent Agenda. Vice-Mayor Starkey requested that item 6.22 be removed. Mr. Kiar requested that item 6.1 be removed.

Councilmember Paul made a motion, seconded by Councilmember Crowley, to approve the Consent Agenda without items 6.1, 6.3, 6.21, 6.22 and 6.23. In a voice vote, all voted in favor. (Motion carried 5-0)

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7. DISCUSSION OF CONSENT AGENDA ITEMS

6.1 Mr. Kiar stated that on page 2 where it read "she read testimony of Mr. Kiar" and advised that it was not testimony of Mr. Kiar, but rather that of a former councilmember. He requested that those words be stricken from the minutes.

Vice-Mayor Starkey made reference to page 1 where it read "Mr. Weiner stated that he had the right to inspect them pursuant to Florida State Statutes as confirmed by the Town Attorney". She indicated that the Town Attorney had given reference to that statement, referencing Florida Statute 119 and that he requested that be included in the record. Vice-Mayor Starkey stated that the Town Attorney referenced was Andre Parke. She stated it should be amended to include what the Town Attorney said in reference to the State Statute.

Councilmember Paul suggested that a verbatim transcript be prepared in reference to that section of the meeting.

Vice-Mayor Starkey made a motion, seconded by Councilmember Crowley, to table to September 17, 2003. In a voice vote, all voted in favor. (Motion carried 5-0)

Vice-Mayor Starkey made reference to page 14 of the minutes where it was suggested that a representative from the Florida League of Cities regarding the Municipal Insurance Trust make a presentation to Council at the second meeting in August. She stated that the presentation had never been made and suggested that Council conduct a workshop on the issue. Mr. Willi indicated that staff had provided a memo to Council, a discussion was held, and he was under the impression that no further action was necessary. Vice-Mayor Starkey insisted that it had not been discussed and requested a workshop be held on the issue. She stated that the deadline to make a decision regarding the current provider was September 30th.

Human Resources Director Mark Alan indicated that a resolution had been passed selecting SERMA as the Town's insurer which included a provision that the Town could renew the insurance for four additional years. He advised that there was no pending approval necessary. Mr. Alan stated that a letter had been received by the Florida League of Cities and was responded to in detail by Risk Manager Dan Lutzke, a copy of which was provided to Council.

Mayor Truex agreed with Vice-Mayor Starkey and stated that he would like to hear a presentation from the Florida League of Cities.

Councilmember Paul questioned whether the plan in effect with SERMA was providing well for the Town. Mr. Alan indicated in the affirmative and stated that Mr. Lutzke was a member of the SERMA Board. Councilmember Paul asked Mr. Alan if it would benefit Council to listen to another presentation by the Florida League of Cities. Mr. Alan indicated that it would not be beneficial and recommended not changing insurance at this time. Councilmember Paul felt that Council should take the advice of staff and she was concerned with the time, cost and benefits of switching to another provider.

Vice-Mayor Starkey stated that she had valid concerns over the risks of SERMA and stated it would benefit Council to have a workshop.

Mr. Alan indicated that although the Florida League of Cities was the voice of municipality government, there was a "firm wall" between the Florida Municipal Insurance Trust and the League as an organization.

Mayor Truex asked that a workshop be coordinated with representatives from the Florida League of Cities and SERMA to discuss the issue. Mr. Alan requested that Mr. Lutzke be in attendance as well.

6.3 and 6.21 Councilmember Paul indicated that she wanted these items heard after 8.2. (These items were tabled later in the meeting.)

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6.23 Councilmember Paul questioned if the changes that were required for Glen's Automotive were made. Planning and Zoning Manager Fernando Leiva discussed the changes and added that the applicant had agreed with the conditions.

Councilmember Paul made a motion, seconded by Councilmember Crowley, to approve. In a voice vote, with Vice-Mayor Starkey out of the room, all voted in favor. (Motion carried 4-0)

6.22 Vice-Mayor Starkey advised that the petitioner had agreed to save the large trees on Orange Drive and that the setback swale would be maintained.

Barbara Hall, representing the petitioner, advised that she had provided an extensive letter to Council and asked that the conditions be made part of the site plan approval.

Vice-Mayor Starkey made a motion, seconded by Councilmember Crowley, to approve with the stipulation that all the conditions in the letter submitted by Barbara Hall, as well as the conditions and concerns of the Site Plan Committee be included. In a voice vote, all voted in favor. (Motion carried 5-0)

8. PUBLIC HEARING

Ordinances - Second and Final Reading

- 8.1. **CODE AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE,
2003-31 FLORIDA, APPROVING CODE AMENDMENT APPLICATION ZB(TXT)7-1-03,
AMENDING THE CODE OF ORDINANCES FOR THE TOWN OF DAVIE,
AMENDING SECTION 12-34 ENTITLED "STANDARDS ENUMERATED" TO
PROVIDE FOR DETAILED USE REGULATIONS; PROVIDING FOR CONFLICT;
PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN
CODE; AND PROVIDING FOR AN EFFECTIVE DATE. (Detailed use regulations for
the RO zoning district) **{Approved on First Reading August 20, 2003 - all voted in
favor with Vice-Mayor Starkey dissenting}**

Town Clerk Muniz read the ordinance by title.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Councilmember Paul made a motion, seconded by Mayor Truex, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Starkey - yes; Councilmember Crowley - yes; Councilmember Hubert - no; Councilmember Paul - yes. (Motion carried 4-1)

- 8.2. **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA,
2003-32 APPROVING REZONING PETITION ZB 3-4-03, CHANGING THE
CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM
B-2 COMMUNITY BUSINESS DISTRICT TO RM-10, MEDIUM DENSITY
DWELLING DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY
THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN
EFFECTIVE DATE. (Merlo/Davie Road, LLC, 7901 Davie Road Extension) Planning
and Zoning Board recommended denial **{Approved on First Reading August 20, 2003 -
all voted in favor, with Mayor Truex and Councilmember Paul dissenting}**

Town Clerk Muniz read the ordinance by title.

Mayor Truex opened the public hearing portion of the meeting.

Linda Theis, 7831 NW 30 Street, spoke in opposition to the construction of 70 townhouses on seven acres.

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Steve Avello, 9191 Orange Drive, spoke in favor of the new development and felt that it would bring additional taxpayers to the Town.

Mauricio Quesada, NW 77 Avenue, stated that he was in favor of the construction of the townhouses as it would provide an affordable and nice place to live.

Clifford Singh, spoke in opposition to the project and stated that he did not want the additional people in the area.

Gary Shofield, owner of Pops Nursery, spoke in opposition to the project and felt that the rezoning would negatively affect his property value. He added that by allowing low income housing on the property, additional children would be brought into the area and felt that the area was unsafe for them.

Alan Weinger, president of Dial Realty Corp., spoke against the rezoning request. He felt that by taking prime commercial real estate and changing to residential was wrong. Mr. Weinger urged Council to vote with their conscience.

Edith Phillips spoke in opposition to the request and stated that 78th Avenue was a dangerous road. She stated that adding additional cars would be detrimental to the neighborhood.

Marguerita Osborn Olson spoke against the rezoning request. She stated that she would leave Davie if this request was approved.

Hector Vinas, representing the petitioner, stated that the traffic would only be directed to Davie Road and this would not be an issue. He indicated that it was not a low income housing project, but rather a higher level townhouse project that was more affordable than townhomes currently available in Davie. Mr. Vinas felt that the project would generate an additional \$25,000 in tax revenue over what a commercial project would bring to the parcel.

Jose Merlo, representing the petitioner, indicated that parking would not be an issue as they were providing ample parking spaces with three spaces per unit. He felt that traffic issues for a commercial property would far exceed that of residential.

Councilmember Paul asked Mr. Vinas what influenced him to want to develop townhomes rather than a commercial venture. Mr. Vinas stated that Davie Road was no longer a dominant commercial corridor.

Councilmember Hubert asked Mr. Vinas what was meant by "the right resident". Mr. Vinas felt that homeowners rather than renters would value their property more.

Councilmember Crowley asked Mr. Vinas if he had met with any of the residents in an effort to resolve some of their concerns. Mr. Vinas stated that he had not met with any residents and was not aware that there were objections to the project. Councilmember Crowley suggested that the petitioner meet with the residents to try and resolve their concerns. He indicated that he would like to meet with the residents prior to making his decision.

Councilmember Paul asked staff for verification on the proposed figures. She stated that she had always felt that residential would bring more money than commercial to the Town.

Vice-Mayor Starkey requested that a trip analysis be confirmed by staff. Development Services Director Mark Kutney stated that the staff report indicated that the traffic generated by 70 townhomes would be equal to a commercial development.

Mayor Truex stated that he was opposed to the concept of trading density for affordable housing. Councilmember Hubert indicated she felt it was a nice project and asked where affordable housing would be allowed in the Town. Mayor Truex felt that the Town should not give away this density for affordable housing where it was not allowed by right.

Director of Housing and Community Development Shirley Taylor-Prakelt felt that there was a great need for affordable and low income housing. She indicated that Council had adopted a consolidated plan for federal funds and an incentive plan to develop affordable housing for those who earn at or below 120% of the median income for Broward County. Ms. Taylor-Prakelt urged developers to come forward

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with affordable housing projects. She felt that the Town needed to support every credible developer of affordable housing and felt that this project provided that. Ms. Taylor-Prakelt urged residents that were opposed to the project to meet with her so that she could explain the redevelopment and safe neighborhood plans.

Vice-Mayor Starkey asked if the flex zones would affect any of the affordable housing plans for future developments such as Habitat for Humanity. Ms. Taylor-Prakelt indicated in the negative.

Councilmember Hubert asked if the workforce/affordable housing would meet entry-level police and fire. Ms. Taylor-Prakelt indicated that 80% of the entry level jobs in Davie were workforce housing.

Mayor Truex stated that he felt a lot of the public that spoke were not against the project because of it being affordable housing. Councilmember Paul indicated that she felt the overriding issue was traffic.

Councilmember Crowley made a motion, seconded by Vice-Mayor Starkey, to table this item to October 1, 2003. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Starkey - yes; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Paul - yes. (Motion carried 5-0)

6.3 and 6.21 Councilmember Crowley made a motion, seconded by Councilmember Paul, to table to October 1, 2003. In a voice vote, all voted in favor. (Motion carried 5-0)

8.3. **REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA,**
2003-33 **APPROVING REZONING PETITION ZB 2-1-03, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1 (COUNTY), AGRICULTURAL DISTRICT TO B-3, PLANNED BUSINESS CENTER DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (Town of Davie, 8100 Stirling Road) *Planning and Zoning Board recommended denial with the recommendation of rezoning to the least intensive commercial zoning to retain more control over the uses as there was not a conceptual site plan presented with this B-3 rezoning request* {**Approved on First Reading August 20, 2003 - all voted in favor**}**

Town Clerk Muniz read the ordinance by title.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Mayor Truex asked whether the list of restrictions discussed at the last meeting had been agreed upon. Mr. Kutney responded that verbal agreements were made, but to attach them as conditions would enter into contract zoning.

Mayor Truex asked if commitments had been made by the property owner. Mr. Kutney indicated in the affirmative. Mr. Kiar felt that if commitments were made by the property on the record, he thought they would be enforceable.

Councilmember Hubert made a motion, seconded by Councilmember Paul, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Starkey - yes; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Paul - yes. Motion carried 5-0)

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- 8.4. **ORDINANCE AMENDMENT - AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA RELATING TO ORDINANCE NO. 96-33, THE FIRE RESCUE ASSESSMENT ORDINANCE; AMENDING 2.13, "INTERIM ASSESSMENTS;" AMENDING THE DEFINITIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (tabled from August 20, 2003) {Approved on First Reading August 6, 2003 - all voted in favor with Councilmembers Hubert and Paul being absent}**

Town Clerk Muniz read the ordinance by title.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Vice-Mayor Starkey asked why there was an amendment. Mr. Willi stated that this amendment allowed the Town to collect an interim fee for projects completed during mid-year.

Mayor Truex asked if the building permit figured the assessment fee. Mr. Willi stated in the affirmative and added that the assessment was collected at the time the Certificate of Occupancy was issued.

Councilmember Crowley made a motion, seconded by Councilmember Paul, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Starkey - yes; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Paul - yes. (Motion carried 5-0)

Ordinances - First Reading (Second and Final Reading to be held September 17, 2003)

- 8.5. **CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING ORDINANCE 74-33 ESTABLISHING THE TOWN OF DAVIE'S PERSONNEL RULES AND REGULATIONS AND AMENDING ALL SUBSEQUENT ORDINANCES AMENDING SAID ORDINANCE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (tabled from August 20, 2003)**

Town Clerk Muniz read the ordinance by title.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Vice-Mayor Starkey stated that she was not pleased with the fact that this ordinance would remove Council's authority governing policies and procedures. She indicated that she was pleased with the fact that this brought the Town current with industry standards on policies for personnel.

Mr. Alan stated that amendments were made that would change how administrative issues were dealt with and gave the Town Administrator the ability to amend the personnel rules. He explained the changes which made the policy consistent with the Town's Charter.

Councilmember Paul questioned whether this was consistent with other municipalities. Mr. Alan replied in the affirmative and stated that other municipalities did give the town administrator/city manager the ability to amend the personnel rules. Councilmember Paul felt that the Town Administrator should have the authority to amend the personnel rules and regulations. She added that she was in agreement with the recommendations from the Town Attorney's Office. Councilmember Paul indicated that the Charter provided that the Town Administrator was responsible for personnel.

Mr. Alan advised that issues that dealt with benefits and salaries, was approved by authority of Council, and the Town Administrator was not permitted to do anything outside the budget that was approved by Council. Mr. Willi indicated that the Town had personnel rules and regulations for the Police and Fire Departments that were promulgated by the Town and not approved by Council. He stated that there was not equal treatment between the different groups of employees. Mr. Cohen pointed out that

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any change that would impact the budget would be done as a budget amendment which would then have to be brought before Council.

Mayor Truex agreed with Vice-Mayor Starkey. He felt that this ordinance removed Council's authority to amend the personnel rules and gave the Town Administrator full authority to amend any rule without Council input or approval. Mayor Truex added that he did not know why Council should give up their authority to the Town Administrator. He indicated that he disagreed with the vacation accrual provision.

Councilmember Crowley felt that Council should be included in the amendment of the rules and regulations. Councilmember Hubert felt that the Town Administrator was hired based on his professionalism and Council should trust his judgment. She added that Council should not micromanage the Town.

Vice-Mayor Starkey expressed her displeasure in that the department directors were not given the opportunity to provide feedback. Mr. Alan stated that feedback had been received from department directors and their issues had been taken into account when personnel rules were changed.

Vice-Mayor Starkey requested that the changes be circulated to the unions and department directors prior to coming back to Council. Mr. Alan indicated that if the collective bargaining agreement had provisions that were in conflict with the personnel rules, their collective bargaining agreement prevailed.

Councilmember Paul requested that no changes be made to the item regarding vacation leave as she felt that incentives were needed for the staff. Vice-Mayor Starkey requested that the item be tabled and the correct procedures followed as per Council's previous request. Mayor Truex requested that the changes be made verbally and brought before Council at the second reading.

Councilmember Paul made a motion, seconded by Councilmember Hubert, to approve with corrections to the language delegating the authority to the Town Administrator. In a roll call vote the vote was as follows: Mayor Truex - yes; Vice-Mayor Starkey - no; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Paul - yes. (Motion carried 4-1)

8.6. CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE, CHAPTER 12, ARTICLE VIII, SECTION 12-238(J)(9) THEREOF RELATING TO BILLBOARDS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN CODE; AND PROVIDING FOR AN EFFECTIVE DATE. (tabled from August 20, 2003)

Town Clerk Muniz read the ordinance by title. Mayor Truex announced a public hearing would be held on September 17, 2003.

Mayor Truex opened the public hearing portion of the meeting.

Alison Oliver, representing Gold Coast Advertising, indicated that they were prepared to offer a minimum contribution to the Boys & Girls Club of \$25,000 with all other percentages remaining the same.

David Hughes, representing Gold Coast Advertising, reiterated the pledge and indicated that the funds would be designated to the Boys & Girls Club. He urged Council for their favorable consideration.

Mike Lamborn, 15020 Eagle Brook Court, representing the Ivanhoe Homeowners' Association, was opposed to the proliferation of billboards and felt that the Town should find another way to assist non-profit organizations. He felt that the current influx of billboards ruined the Town's ambiance.

Cori Barnes, representing Wilton Manors Street Systems, objected to the manner in which the ordinance was advertised. She indicated that her firm was prepared to offer the Town \$20,000 per year to Hope Outreach or any other charity that Council deemed appropriate.

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Linda Owen, Executive Director of the EASE Foundation, spoke of the increase in clients that her agency had assisted and indicated that all of the money received from the Town was spent on Davie residents. She asked Council to approve the ordinance as it would benefit the EASE Foundation.

Glenn Flutie indicated that the purpose of the ordinance was to amend the previous ordinance to allow for three additional sites.

Geri Clark, president of the Davie Police Athletic League (PAL), stated she was challenged by Council to raise funds FOR PAL and she felt that PAL should benefit from the proceeds of the additional billboards. Mayor Truex asked Ms. Clark if her organization would be in favor of the ordinance if PAL were to receive \$25,000 per year from one of the billboards. Ms. Clark responded in the affirmative.

Mitch Topal felt that the Town did not have a consistent policy regarding billboards and suggested creating a new board to look at the issue. He stated that he would not be against the billboards if it was equitable and fair to the residents.

John Parker, 6350 West Falcons Way Drive, felt that the residents of West Davie should have a voice in this issue as they were the most impacted. He urged Council to consider allowing the residents of West Davie to form a billboard committee as this issue directly affected his neighborhood.

Mayor Truex closed the public hearing.

Vice-Mayor Starkey stated that she felt this issue was staff-driven and a case of "the tail wagging the dog". She questioned staff why the ordinance was specific to the siting and felt the ordinance was separate and aside. Mark Kutney disagreed and indicated that the ordinance was in response to Council's direction to add three billboards and that the only changes were those requested by Council.

Vice-Mayor Starkey stated she was concerned with the distance between the billboards as the Code specifically stated a minimum of 1,500 feet and asked staff if that had been changed. Mr. Kutney stated that the only change being made was the number of billboards. Vice-Mayor Starkey stated that if the ordinance was to be revised, it should only be to allow for the number of billboards, not for specific locations. Mr. Kutney indicated that staff was not in favor of additional billboards and that they had nothing to do with determining where the billboards would be.

Vice-Mayor Starkey voiced concerned as to an accounting mechanism regarding charities. She stated that there should be an audit or accounting from the existing ten billboards to show that they complied with the agreement and ordinance that was in place. Councilmember Paul stated that in the past, she had asked for an accounting and had always received it.

Vice-Mayor Starkey stated that if the Town were to allow additional billboards, then they should allow the opportunity for other organizations to decide where the charities will go.

Councilmember Paul stated that although the billboards were aesthetically displeasing, they did provide funds for charitable organizations. She stated that she was surprised there were not more residents to speak on the issue. Councilmember Paul was concerned that this approval would allow the opportunity for even more billboards to be permitted in the future. She indicated that this was a difficult decision to make as she sat on the board of the Davie Boys and Girls Club.

Councilmember Hubert indicated she was in favor of the billboards as the proceeds would help the Town. She stated that her concern was with the annexation agreement with Jolmy Enterprises regarding increasing the billboard height and asked Council why they were opposing Jolmy's request. Councilmember Hubert indicated that the billboards were in an industrial area, not in view of residents and would support Davie charities. Vice-Mayor Starkey indicated that the Town's counsel, Michael Burke, had provided a legal opinion as to why Council should not allow the additional height to those particular billboards.

Ms. Clark responded to Councilmember Hubert by saying that Jolmy was under the impression their billboards would be the same height as the Town ordinance. She stated that when Jolmy came

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before the previous Council, the amendment was always denied and no legal direction was ever given for the denial.

Mr. Kutney responded to Councilmember Hubert's concerns by indicating that staff had no argument regarding Jolmy's entitlement to three billboards by virtue of the revised annexation agreement; however, the issue was the height of the billboards. He stated that it would not be beneficial to change the Land Development Code in accordance with annexation agreements.

Councilmember Crowley indicated that he was not in support of billboards, but felt the timing was right in relation to charitable contributions the billboards would provide.

Mayor Truex stated that he would agree to the concept of adding billboards, but felt that it was not totally fair to predetermine which charities would receive the proceeds. He asked Mr. Kiar if Council could discuss how much money might be received. Mr. Kiar indicated that he felt the only issue currently before Council would be to increase the amount of billboards from 10 to 13. He deferred Mayor Truex's concern regarding the financial aspect to Attorney Andre Parke. Mr. Parke felt that Council could make the argument that the charities are of such importance that decisions could be made based on the revenue that would be generated from the billboards for those charities.

Vice-Mayor Starkey requested clarification and asked that if the approval was made to increase the number of billboards to 13, would that include Jolmy's additional three, or would the ordinance be changed to allow 16 billboards. Mr. Kutney suggested that Council consider amending the annexation agreement to address height restrictions.

Councilmember Crowley made a motion, seconded by Councilmember Hubert, to approve the addition of three billboards excluding the site. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Starkey - yes; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Paul - no. (Motion carried 4-1)

- 8.7. **CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING PETITION ZB (TXT) 7-3-03 PORTABLE STORAGE UNITS TO AMEND CHAPTER 12 OF LAND DEVELOPMENT CODE BY ADDING REGULATIONS TO ADDRESS THE USE OF PORTABLE STORAGE UNITS, AMENDING SECTION 12-33(A) ENTITLED "ACCESSORY USES AND STRUCTURES", AMENDING SECTION 12-503 ENTITLED "DEFINITIONS"; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY, PROVIDING FOR INCLUSION IN THE TOWN CODE; AND PROVIDING FOR AN EFFECTIVE DATE. (Portable Storage Containers)**

Town Clerk Muniz read the ordinance by title. Mayor Truex announced that a public hearing would be held on September 17, 2003.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Councilmember Paul stated that she was in agreement with this ordinance because she felt the use of PODS had been abused in terms of the length of time remaining on property.

Vice-Mayor Starkey felt that the use of storage units was a nuisance and that they were not appropriate in residential areas. She stated she would be in favor of an ordinance that would prohibit storage units of any kind for residential areas. Mr. Leiva indicated that several other cities had been contacted and 30 days was the maximum average time allowed.

Mayor Truex was concerned with the enforceability of the storage units.

Councilmember Hubert made a motion, seconded by Councilmember Paul, to approve. In a roll call vote, the vote was as follows: Mayor Truex - no; Vice-Mayor Starkey - no; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Paul - yes. (Motion carried 3-2)

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- 8.8. **CODE AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF DAVIE, AMENDING SECTION 12-32(B), ENTITLED "TABLE OF PERMITTED USES"; PROVIDING FOR APPROPRIATE ZONING DISTRICTS FOR ADULT ARCADE AMUSEMENT CENTER; AND AMENDING SECTION 12-34 ENTITLED "STANDARDS ENUMERATED"; PROVIDING FOR DETAILED REGULATIONS REGARDING THE LOCATION AND OPERATION OF SUCH USES; AMENDING SECTION 12-503, ENTITLED "DEFINITIONS"; PROVIDING FOR A DEFINITION OF ARCADE OR GAME ROOM AND ADULT ARCADE AMUSEMENT CENTER; PROVIDING FOR INTENT; PROVIDING FOR REGULATIONS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN CODE; PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Muniz read the ordinance by title. Mayor Truex announced that a public hearing would be held on September 17, 2003.

Mayor Truex opened the public hearing portion of the meeting.

Steven Deutsch, representing The Getaway, stated that there was no existing exception for existing facilities such as The Getaway and requested clarification regarding future uses. He stated that he supported a lot of the ordinance but objected to the staff report regarding the hours of operation and the selling of beer and wine. Mr. Deutsch hoped that his client would be grandfathered in.

Matt Petrucci stated that most clients that visited his establishment were between the ages of 45-88 and it was not a gambling establishment. He indicated that everything in the establishment was handled according to the law. Mr. Kutney explained that the Town was attempting to regulate the centers that mimic the look and feel of gambling venues but were operating according to Florida Statute Chapter 849 regarding gambling. Mr. Petrucci invited Council to visit the establishment and thanked Council for their time and consideration.

Mayor Truex closed the public hearing.

Mayor Truex questioned why the ordinance only prevented this type of establishment from one another by 500 feet. Mr. Kutney felt that staff did not want to be overly restrictive and the provisions provided enough restriction. Mayor Truex felt the restriction should be 2,500 feet rather than 500 feet and that alcohol should be banned.

Vice-Mayor Starkey questioned why beer and wine could not be served within the hours of restriction. She stated that she agreed with the increase in the separation between such establishments.

Councilmember Crowley questioned where the existing sites were located. Kim Bank, representing South Florida arcades, indicated there was another one located on Stirling Road and University Drive as well as further south. He stated that Mr. Petrocelli's establishment was not a gambling establishment and was more of an amusement center for adults.

Councilmember Crowley asked what the hours of operation were at the two existing sites. Mr. Bank indicated that they were 24-hour operations and were serving alcohol.

Mayor Truex passed the gavel and made a motion, seconded by Vice-Mayor Starkey, to approve subject to changing the 500 feet distance requirement to 2,500 feet. In a roll call vote, the vote was as follows: Mayor Truex - yes; - Vice-Mayor Starkey - yes; Councilmember Crowley - no; Councilmember Hubert - yes; Councilmember Paul - yes. (Motion carried 4-1)

Mr. Deutsch asked Council if they could revisit the issue of whether staff could issue the zoning letter as he and Mr. Kutney disagreed. He also asked if Mr. Kiar could offer an opinion regarding the liquor license. Mr. Parke responded that at this time without reviewing the facts, he would have to defer

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to Mr. Kutney. Mr. Kiar added that after reviewing the materials that were reviewed, he concurred with Mr. Kutney. Mr. Kutney advised that he would provide the letter but it would not indicate what Mr. Deutsch wanted it to say.

Ordinance - First Reading/Quasi Judicial Items (Second and Final Reading to be held September 17, 2003)

- 8.9. **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 12-2-02, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM P.U.D. (COUNTY), PLANNED UNIT DEVELOPMENT DISTRICT TO B-3, PLANNED BUSINESS CENTER DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (Town of Davie, 4703 SW 148 Avenue) (tabled from August 20, 2003) *Planning and Zoning Board recommended approval*

This item was tabled earlier in the meeting.

Quasi Judicial Item

- 8.10. **SPECIAL PERMIT** - SE 5-1-03, Chamberlain and Epstein/Dream Homes of Davie, LLC., 3900 Joan's Way (A-1) (tabled from August 6, 2003) (to fill 43,600 cubic yards of the site) *Planning and Zoning Board recommended approval based upon the following stipulations: 1) work hours to be from 8 a.m. to 5 p.m., Monday through Friday; 2) the applicant was to clean up any mess or "fugitive dust" on the road with 24 hours; 3) that there be "sufficient" bond set; and 4) that road repairs be made on a monthly basis*

Mayor Truex turned this portion of the meeting over to Mr. Kiar.

Mr. Kiar read the rules of evidence and swore in the witnesses.

Town Engineer Larry Peters read the planning report and provided an update on the status of the petitioner's meeting with the residents.

Vice-Mayor Starkey advised that she had met with the residents and thanked Mr. Peters for also being in attendance. She indicated that an agreement had been reached with the residents.

Mr. Kiar opened the public hearing portion of the meeting.

Michael Bartlett, 4301 SW 105 Avenue, stated that a document had been prepared outlining the terms and conditions agreed to by the petitioner and the resident.

Vice-Mayor Starkey indicated that the agreement included restricted times and days. She advised that the developer had agreed to provide a bond in the event of any problems.

Mr. Kiar asked Nate Chamberlain if he had seen the agreement prepared by the Camelot Estates homeowners, if he had thoroughly reviewed the document, and if it was his signature affixed to that document. Mr. Chamberlain indicated in the affirmative and that his corporation stipulated to the conditions in the document.

Vice-Mayor Starkey stated that with the granting of the special permit, there needed to be an individual from staff for the residents to contact should the need arise. Mr. Willi suggested that the Mr. Peters delegate one of his staff members.

Peter Dunne, 4350 SW 105 Avenue, stated that he had e-mailed pictures of the entrance to 105 Avenue that had some deficiencies on the side of the road. He asked that staff make some improvements to the road to allow entrance for the dump trucks to maneuver the turn without spilling their load. Vice-Mayor Starkey stated that there were issues with the road that needed to be addressed and questioned if it was the Town's responsibility.

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Vice-Mayor Starkey stated that the developer had stipulated that the roadway from Orange Drive into the development would be improved upon completion of the project should the need arise. Mr. Dunne indicated that this issue was not stipulated in the agreement and the recommendation from staff had been to make a second recommendation.

Mayor Truex indicated that the roads were adequate for cars and if they were not adequate for dump trucks, the trucks should be responsible for making any repairs that needed to be made.

Councilmember Paul stated that the residents needed to be aware of the fact that the hours they had agreed to would also coincide with the mixture of trucks, school busses and commuters. Vice-Mayor Starkey indicated that the consensus of the residents was that they were more concerned with the hours after 5:00 p.m. in order to provide a safe and peaceful environment for their children.

Drew Gregg, 4221 SW 75 Avenue, was pleased that the issue was handled amicably.

Mr. Kiar closed the public hearing.

Mayor Truex disclosed that he had spoken to a few residents.

Vice-Mayor Starkey made a motion, seconded by Councilmember Paul, to approve the permit for the fill with the inclusion of the terms and conditions as well as the photographs of the site indicating the need for road improvements. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Starkey - yes; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Paul - yes. (Motion carried 5-0)

Items to be Tabled

8.11. STAFF REQUESTING A TABLING TO SEPTEMBER 17, 2003

CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN; AMENDING CHAPTER 4 ENTITLED ANIMALS; PROVIDING FOR DEFINITIONS FOR WILD ANIMALS; AMENDING SECTION 12-32, ENTITLED "TABLE OF PERMITTED USES"; PROVIDING FOR APPROPRIATE FOR ZONING CATEGORIES FOR KEEPING OF WILD ANIMALS; AMENDING SECTION 12-34(B) ENTITLED ANIMALS; PROVIDING FOR REGULATIONS FOR THE CARE AND MAINTENANCE OF WILD ANIMALS; AND AMENDING SECTION 12-503 DEFINITIONS PROVIDING FOR DEFINITIONS FOR WILD ANIMALS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN CODE; AND PROVIDING FOR AN EFFECTIVE DATE. (tabled from June 18, 2003)

This item was tabled earlier in the meeting.

8.12. STAFF REQUESTING A TABLING TO SEPTEMBER 17, 2003

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA REPEALING INTERIM REGULATIONS ORDINANCE NO. 2002-27 WIRELESS COMMUNICATIONS FACILITIES, PROVIDING FOR A HIERARCHY OF PREFERRED SITING ALTERNATIVES, CONTAINING PROVISIONS FOR EVALUATIONS OF SITING APPLICATIONS AND ADDING ARTICLE XV, ENTITLED "WIRELESS COMMUNICATIONS FACILITIES" PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR REGULATIONS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

This item was tabled earlier in the meeting.

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8.13. STAFF REQUESTING A TABLING TO SEPTEMBER 17, 2003

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CURRENT FEE SCHEDULES FOR THE DEVELOPMENT SERVICES DEPARTMENT INCLUDING THE PLANNING AND ZONING DIVISION, BUILDING DEPARTMENT, AND ENGINEERING DEPARTMENT OF THE TOWN OF DAVIE BY ADDING APPLICATION AND SUPPLEMENTAL REVIEW FEES FOR WIRELESS COMMUNICATIONS FACILITIES; BUILDING PERMIT FEES; LANDSCAPING PERMIT FEES; AND ENGINEERING PERMIT FEES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

This item was tabled earlier in the meeting.

8.14. PETITIONER REQUESTING A TABLING TO SEPTEMBER 17, 2003

V 5-2-03, Progressive Development Group, Inc./Exxon Mobil Fuel Marketing Company, 2399 South University Drive

This item was tabled earlier in the meeting.

9. APPOINTMENTS

9.1. Agricultural Advisory Committee (one exclusive appointment - Vice-Mayor Starkey; term expires April 2004) (insofar as possible, members shall have experience in agricultural matters, related occupations or other similar skills)

Vice-Mayor Starkey reappointed Barbara Spiece.

9.2. Child Safety Board (one exclusive appointment - Vice-Mayor Starkey and Mayor Truex; term expires April 2004) (whenever possible, members shall have interest and expertise in law enforcement, elementary school instruction, child psychology, pediatric medicine, parenthood and grandparenthood)

No appointments were made.

9.3. Community Redevelopment Agency (one exclusive appointment - Councilmember Crowley; term expires April 2004) (member shall either reside or engage in business within the jurisdiction of the Town)

No appointment was made.

9.4. Open Space Advisory Committee (one exclusive appointment - Vice-Mayor Starkey; term expires April 2004)

No appointment was made.

9.5. Parks and Recreation Advisory Board (one exclusive appointment - Councilmember Hubert; term expires April 2004) (members should have a concern with or an interest in the park facilities and recreational needs of the citizens of the Town)

Councilmember Hubert appointed John Parker.

9.6. Senior Citizen Advisory Board (one exclusive appointment - Mayor Truex; term expires April 2004) (members shall be a minimum 60 years of age)

No appointment was made.

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- 9.7. Water and Environmental Advisory Board (two exclusive appointments - Mayor Truex; term expires April 2004) (insofar as possible, one member of the board shall be a licensed engineer)

No appointments were made.

- 9.8. National League of Cities - Annual Congress of Cities (non-exclusive appointment of a Voting Delegate and a Voting Alternate(s))

Council appointed Vice-Mayor Starkey as the Voting Delegate and Councilmember Paul as the Alternate.

10. OLD BUSINESS

- 10.1. Computer Usage - Mayor Truex
This item was not discussed.

11. NEW BUSINESS

- 11.1. Charter Amendments - Mayor Truex

Mayor Truex indicated that he wanted to see term limits of three terms on a future ballot and language that would require stricter language pertaining to residency of candidates.

Councilmember Paul felt that single member districts should be looked at for repeal. Mayor Truex felt that the single member districts was one of the best things to happen to the Town and had enabled every area of the Town to have some representation.

Vice-Mayor Starkey felt it was refreshing to see Councilmember Hubert put forth such great effort for her district as well as the other districts. She stated that she was not necessarily in agreement with term limits.

Councilmember Crowley stated that he would like to hear from the residents regarding term limits. Council took no action.

- 11.2. Site Plan Notification Process
This item was not discussed.

- 11.3. Community Trust - Vice-Mayor Starkey
This item was not discussed.

- 11.4. Reconsideration of ZB 1-2-03, Miller, Legg & Associates, Inc./Centex Homes Inc., 6800 Griffin Road

Earlier in the meeting, Mayor Truex stated that the petitioner had requested that the applicant be allowed to withdraw the application; however, Council had denied the request for withdrawal. Mr. Kiar indicated that the Code had been reviewed further and it was determined that the petitioner had the right to withdraw.

Vice-Mayor Starkey was concerned that if the rezoning was reconsidered, it could be brought back before Council prior to one year. She felt that the residents were under the assumption that the request had been denied.

Bill Laystrom, representing the petitioner, stated that if there was a new plan, they could resubmit it sooner than one year.

Councilmember Paul felt that the petitioner would not come back with something the residents would be opposed to because they knew that Council would stand behind the residents.

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Vice-Mayor Starkey questioned if it was allowed to come back, that it could be less than one year. Mr. Laystrom responded that if it was a different site plan, it could come back in less than one year.

Mayor Truex asked the petitioner that if the issue was reconsidered, would the application be withdrawn. Mr. Laystrom indicated in the affirmative. He advised that the petitioner heard from the residents what they wanted and if the issues could be resolved, the petitioner would be able to file a different site plan.

Mayor Truex indicated that Council had made a mistake and that the petitioner had the right to withdraw. Mr. Willi indicated that the petitioner was still able to come before Council and request a waiver of the provision.

Vice-Mayor Starkey felt that the residents should be re-noticed that the issue was up for reconsideration.

Councilmember Paul made a motion, seconded by Councilmember Hubert, to reconsider. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Starkey - no; Councilmember Crowley - no; Councilmember Hubert - yes; Councilmember Paul - yes. (Motion carried 3-2)

Mayor Truex asked the petitioner if he wished to withdraw the application. Mr. Laystrom stated that he had withdrawn it at the hearing and felt that this was to correct that issue. He indicated that it would be withdrawn if they could not do a design for single family for some portion at that site. After some discussion, Mr. Laystrom withdrew the application.

11.5 Broadview Park Annexation (Councilmember Paul)
Councilmember Paul indicated that this item could wait.

11.6 TU 7-5-03, Triple Cross Ranch, 1300 South Flamingo Road

Vice-Mayor Starkey made a motion, seconded by Councilmember Paul, to approve the temporary permit for an outside fund raiser. In a voice vote, all voted in favor.

11.7 TU 8-1-03, Stiles Construction, 4301 Flamingo Road

Councilmember Paul made a motion, seconded by Vice-Mayor Starkey, to approve. In a voice vote, all voted in favor.

11.8 A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, PROVIDING THAT
R-2003-231 THE OBLIGATIONS SET FORTH WITHIN THE CONCEPTUAL RESOURCE
MANAGEMENT PLAN/CONCEPTUAL PARK MANAGEMENT PLAN HAVE BEEN
INCLUDED WITHIN THE CITY/TOWN'S 5 YEAR CAPITAL IMPROVEMENT.

Vice-Mayor Starkey made a motion, seconded by Councilmember Paul, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

Vice-Mayor Starkey stated that a management plan was required to be filed so that the State could proceed with the additional grant money from the state level and stated that a consultant be appointed to help implement the management plan. Programs Administrator Chris Kovanis indicated that he had been in contact with a firm and had received a proposal.

12. MAYOR/COUNCILMEMBER'S COMMENTS

MEETING TIMES. Councilmember Hubert suggested that meetings be held once a week to avoid the late meetings. Councilmember Paul stated that she had previously made the suggestion that one extra meeting be held monthly for quasi judicial hearings only, but an agreement had never been reached.

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Vice-Mayor Starkey suggested that memorandums from staff be circulated before the meetings in order to allow for public comment only, which might reduce the length of meetings.

WALDREP DAIRY. Vice-Mayor Starkey raised the issue of Waldrep Dairy and Cooper City's annexation efforts and felt that the Town should begin negotiations with them. Mr. Willi indicated that the Town should maintain their position and not take a negative approach at this time. He stated that there were other options that still existed for the Town. Mayor Truex indicated that he was not in favor of litigating the issue with the owners of Waldrep Dairy. Councilmember Crowley indicated that a plat was pending at the County so time was sensitive.

13. TOWN ADMINISTRATOR'S COMMENTS

Mr. Willi provided no comments.

14. TOWN ATTORNEY'S COMMENTS

DMG. Mr. Kiar recommended to Council that the DMG issue be pursued vigorously. Council was in agreement.

TWIN LAKES. Mr. Kiar also indicated that a roadway litigation for Twin Lakes should be pursued by Mr. Burke as they were a previous client of his. Council was in agreement.

15. ADJOURNMENT

There being no further business to discuss and no objections, the meeting adjourned at 1:13 a.m.

Approved: _____

Mayor/Councilmember

Town Clerk